

August 31, 2022

Re: *In re LIBOR-Based Fin. Instruments Antitrust Litig.*, Master File No. 11-md-2262-NRB

Via ECF

The Honorable Naomi Reice Buchwald
United States District Judge, Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Dear Judge Buchwald:

We serve as liaison counsel for the Class Plaintiffs, the Direct Action Plaintiffs, and the Defendants in the above-referenced LIBOR MDL and write in connection with the parties' August 30, 2022 letter concerning the Joint Memorialization process (*see* ECF No. 3495).

First, as noted in the letter filed yesterday, the parties have been actively working to update the Joint Memorialization chart to reflect the parties' positions and discussions that have taken place since the chart was originally filed on August 16, 2022. *Id.* at 1 n.2. The parties write jointly to submit an updated Joint Memorialization of the Plaintiffs' claims that the parties believe to be "Live," "Not Live," or that are "Disputed" as to each Defendant organized by action.¹ That revised version of the Joint Memorialization is attached hereto as Exhibit 1.

Second, the parties submit as Exhibit 2 to this letter an updated version of the Disputed Issues list filed yesterday, *id.* at 3–6, adding one Disputed Issue (Number 1).

We are available to answer any questions the Court may have.

¹ The terms "Live," "Not Live," and "Disputed" shall have the meanings ascribed to them in the letter that accompanied the prior Joint Memorialization. ECF No. 3461.

Respectfully yours,

/s/ William Christopher Carmody
William Christopher Carmody

Co-Lead Counsel for the OTC Plaintiffs
and Liaison Counsel for the Class Plaintiffs

/s/ James Robertson Martin
James Robertson Martin

Counsel for The Federal Deposit Insurance Corporation
as Receiver for 19 Banks and The Federal Home Loan
Mortgage Corporation and Liaison
Counsel for the Direct Action Plaintiffs

/s/ Paul S. Mishkin
Paul S. Mishkin

Counsel for Bank of America Corporation and Bank of
America, N.A., and Liaison Counsel for Defendants

Cc: All counsel via ECF